

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA LEY,

Plaintiff,

Case No. 12-11808

v.

DYCK O'NEAL, INC.,
a Texas corporation,

Hon. John Corbett O'Meara

Defendant.

ORDER OF PARTIAL DISMISSAL

On April 23, 2012, Plaintiff filed her complaint alleging as follows: Count I, Fair Debt Collection Practices Act; Count II, Michigan Occupational Code; and Count III, Michigan Collection Practices Act. Plaintiff does not allege that diversity jurisdiction exists. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: May 4, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 4, 2012, using the ECF system.

s/William Barkholz

Case Manager